

ROBERT SLACK,

Plaintiff,

v.

SAMANTHA TURNTINE and
BRENDA REAGAN,

Defendants.

This matter is before the Court on the motion of plaintiff's appointed counsel Mr. Bradley Hansmann for compensation of services and reimbursement of out-of-pocket expenses incurred in representing plaintiff. Counsel seeks compensation from the Attorney Admission Fee Non-Appropriated Fund for his attorney's fees in the amount of \$4,992.00 and out-of-pocket expenses incurred for deposition transcripts, deposition fees, medical records, travel expenses, expert fees, and copy charges in the total amount of \$2,189.36. Counsel's request is accompanied by firm billing records.

All applications for disbursement of funds from the Attorney Admission Fee Non-Appropriated Fund are governed by Local Rules 12.03 and 12.06, the Administrative Order of January 15, 2008 concerning the Attorney Admission Fee Non-Appropriated Fund, and the Regulations Governing the Disbursement of Funds from the Non-Appropriated Fund for Attorney's Fees and Out-of-Pocket Expenses Incurred by Attorneys Appointed to Represent Indigent Parties in Civil Proceedings Pursuant to 28 U.S.C. § 1915(e), dated May 2010 (the "Regulations"), available at http://www.moed.uscourts.gov/sites/default/files/Attorney_RegulationsForExpenditures.pdf.

A. Attorney's Fees

The applicable Regulations provide that the maximum reimbursement for attorney's fees in any one case is two thousand five hundred dollars. See Regulations, §§ B.2, D. Plaintiff's counsel claims 31.2 hours at a rate of \$160 per hour for a total of \$4,992.00. Unfortunately, the maximum allowable payment for attorney's fees in a civil appointment is \$2,500.00. Counsel will be compensated \$2,500.00 for his services.

B. Out-of-Pocket Expenses

With the standards of the Regulations in mind, the Court turns to the specific items of expense for which reimbursement is sought.

1. *Deposition Transcripts*

Counsel seeks reimbursement for deposition transcripts in the amount of \$1,057.80. The Regulations provide,

The costs of transcripts or depositions shall not exceed the regular original page and copy rate established by the Judicial Conference of the United States [currently \$3.65] and in effect at the time any transcript was filed or deposition was taken, unless some other rate was previously approved by order of court. Except as otherwise ordered by the Court, only the cost of the original of any transcript or deposition together with the cost of one copy [currently \$0.60] each where needed by counsel will be authorized.

Regulations, § E.1.

Counsel seeks reimbursement for four depositions: \$177.80 for the deposition of Robert Slack, \$191.20 for the deposition of Dr. Roger Cameron, and \$688.80 for the depositions of Nurses Reagan and Pratt. The cost of the first two deposition will be allowed in total. The depositions of Nurses Reagan and Pratt, which totaled 129 pages, exceed the original transcript rate of \$3.65/page plus \$0.60/page for a regular copy established by the Judicial Conference of the United States. The

allowable cost for these two depositions is \$548.25. The total allowable reimbursement for depositions is \$917.25.

2. *Medical Expert Fees*

Plaintiff seeks reimbursement of the \$400 paid to Dr. Cameron for his time at his deposition and \$500 paid to a medical expert to review plaintiff's medical records. Pursuant to the Regulations, the fees for "appearance of witnesses that are not otherwise avoided, waived or recoverable may be reimbursed." See Regulations, § E.3. Additionally, out-of-pocket expenses for expert review of the medical file is allowable pursuant to the Regulations at section E.7. Id. at § E.7. The total allowable reimbursement for these fees is \$900.

3. *Mileage*

Counsel requests reimbursement for \$87.45 for mileage expense for meeting with plaintiff at Potosi Correctional Center, a trip of 159 miles. The Regulations provide that "[t]ravel by privately-owned automobile may be claimed at the rate currently prescribed for federal judiciary employees who use a private automobile for conduct of official business, plus parking fees, tolls and similar expenses." Regulations, § E.2. The current rate per mile is \$0.57. The total allowable reimbursement for counsel's mileage is \$90.63.

4. *Photocopy Charges*

Counsel seeks reimbursement of photocopy charges in the amount of \$15.90. This request will be allowed. See Regulations, § E.5.

5. *Medical Records*

The Court will reimburse counsel's \$128.21 out-of-pocket expenses paid for plaintiff's medical records. Id. at § E.5.

Mr. Hansmann is entitled to \$2,500.00 in attorneys' fees and reimbursement for out-of-pocket expenses of \$2,051.99. Counsel's motion for compensation of services and reimbursement of out-of-pocket expenses will be granted in the amount of \$4,551.99.

Accordingly,

IT IS HEREBY ORDERED that counsel's motion for compensation of services and reimbursement of out-of-pocket expenses is **GRANTED** in the amount of Four Thousand Five Hundred Fifty-One Dollars and Ninety-Nine Cents (\$4,551.99). [Doc. 54]

IT IS FURTHER ORDERED that the Clerk of the Court shall promptly disburse the sum of Four Thousand Five Hundred Fifty-One Dollars and Ninety-Nine Cents (\$4,551.99) from the Attorney Admission Fee Non-Appropriated Fund, payable to:

Mr. Bradley R. Hansmann
BROWN AND JAMES, P.C.
800 Market Street
Suite 1000
St. Louis, MO 63101

The Court wishes to express its appreciation to appointed counsel for his efforts on behalf of plaintiff.

A handwritten signature in black ink, appearing to read 'Charles A. Shaw', written over a horizontal line.

CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 9th day of January, 2015.